

STATE OF INDIANA)	IN THE ALLEN SUPERIOR COURT
)§:	
COUNTY OF ALLEN)	
STEVE M. ELLERT)	
)	
Plaintiff,)	
)	
vs.)	
)	
GENERAL MOTORS COMPANY, LLC,)	
Fort Wayne Assembly Truck Group,)	
)	
Defendant.)	

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff, Steve M. Ellert, by counsel, Samuel L. Bolinger and files his complaint for damages, against General Motors Company, LLC, Fort Wayne Assembly Truck Group, and alleges and states:

1. This is a complaint for damages, for gender discrimination, pursuant to the Civil Rights Act of 1964, as amended, and Title VII.
2. Plaintiff is an adult male resident of New Haven, Allen County, Indiana, and at all relevant times, herein, was an employee of Defendant, General Motors Company, LLC, Fort Wayne Assembly Truck Group, (GMC), in Roanoke, Indiana, and at all relevant time was the employer of the Plaintiff.
3. Defendant is engaged in the manufacturing and assemble of motor vehicles and does so at the above state address and employs 500 or more in each calendar year and previous years and is engaged in interstate commerce.
4. Plaintiff filed a charge of gender discrimination with the Fort Wayne Metropolitan

Human Relations Commission (METRO) on or about September 27, 2019, which a copy is attached and marked as Exhibit A.

5. Plaintiff received a Notice of Right to Sue from the Equal Employment Opportunity Commission on or about October 15, 2019, which a copy is attached and marked as Exhibit B.
6. This complaint is timely filed.
7. Plaintiff further states that:
 - a. He is a qualified individual who worked for Defendant as an operator from march, 1999 until termination on August 7, 2019;
 - b. Defendant established a “Zero Tolerance” policy in January, 2019;p
 - c. Plaintiff’s team leader Dawn Feeney (Feeney) has called Plaintiff a “horse crack” and said Plaintiff looks like he was pregnant with a beer belly. This called multiple times, with the most recent incident occurring in July of 2019;
 - d. Plaintiff complained about the comments, and Feeney was never disciplined or terminated for those comments;
 - e. On August 4, 2019, Plaintiff showed his co-workers of his children and family;
 - f. Plaintiff was accused of making statements about his son masturbating and sharing in appropriate pictures;
 - g. Plaintiff was terminated on August 7, 2019 for those accusations when Defendant had no proof anything happened;
 - h. Feeney who also made inappropriate comments to Plaintiff, was not terminated;
 - i. Additionally, on August 4, 2019, Plaintiff’s co-worker, Eric Retcher interrupted a

conversation Plaintiff was having with Plaintiff's contract supervisor and said he (Plaintiff's) a masturbator.

8. Plaintiff alleges for the above stated reason, that he has been sexually harassed and discriminated against based on his sex (male) all in violation of Title VII as stated above.
9. Plaintiff as a result of the above described conduct has suffered loss of job, job wages, benefits, mental anguish, embarrassment, humiliation, anxiety and other damages and injuries yet to be determined.

WHEREFORE, Plaintiff seeks compensatory damages and punitive damages, and reasonable attorney's fee, and for all other just and proper relief.

Respectfully submitted,

/s/ Samuel L. Bolinger
Samuel L. Bolinger, #10786-98
803 S. Calhoun St., Ste. 300
Fort Wayne, IN 46802
Tel: 260.407.0040
Fax: 260.407.0039
Email: mark@slblawfirm.org
Counsel for Plaintiff

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div> EC-0105-A19 24D-2019-00383 </div> </div>	
City of Fort Wayne Metro Human Relations Commission and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Mr. Steve M. Ellert		Home Phone (Incl. Area Code) (260) 433-6555	Date of Birth 1970
Street Address City, State and ZIP Code 5128 Green Rd., New Haven, IN 46774			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name GENERAL MOTORS		No. Employees, Members 500 or More	Phone No. (Include Area Code) (219) 673-2345
Street Address City, State and ZIP Code 12200 Lafayette Center Road, Roanoke, IN 46783			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 07-01-2019 08-07-2019 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I am a qualified individual who worked for General Motors ("GM") as an Operator from March 1999 until I was terminated on August 7, 2019. GM established a zero tolerance policy in January 2019. My Team Leader, Dawn Feeney ("Feeney") has called me "horse crack" and said I look like I am pregnant with a beer belly. This has occurred multiple times, with the most recent incident occurring in July of 2019. I complained about these comments, and Feeney was never disciplined or terminated for these comments.</p> <p>On August 4, 2019, I showed my co-worker pictures of my children and family. I was then accused of making statements about my son masturbating, and showing inappropriate pictures. I was terminated on August 7, 2019, for these accusations, when GM had no proof anything happened. Feeney, who also made inappropriate comments to me, was not terminated. Additionally, On August 4, 2019, my co-worker, Eric Retcher ("Retcher") interrupted a conversation I was having with my</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Sep 27, 2019 Date		Charging Party Signature	

EXHIBIT A

EEOC Form 5 (1/10)

CHARGE OF DISCRIMINATION

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Charge Presented To: Agency(ies) Charge No(s):

☒ FEPA

EC-0105-A19

☒ EEOC

24D-2019-00383

City of Fort Wayne Metro Human Relations Commission

and EEOC

State or local Agency, if any

contract supervisor, and said "he's a masturbator."

For these reasons, I believe I have been sexually harassed, and discriminated based on my sex, male, in violation of the Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Sep 27, 2019

Date



Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)